

United States Court of Appeals For the First Circuit

No. 07-8030

NEW ENGLAND CARPENTERS HEALTH BENEFITS FUND, ET AL.,

Plaintiffs, Respondents,

v.

MCKESSON CORPORATION,

Defendant, Petitioner,

FIRST DATABANK, INC.,

Defendant.

Before

Boudin, Chief Judge,
Stahl, Senior Circuit Judge,
and Lipez, Circuit Judge.

JUDGMENT

Entered: November 16, 2007

The petition for leave to appeal is denied. We note that the petitioner did not develop its reliance argument, either when it moved to dismiss the complaint or when it opposed class certification. The certification order did not "turn on" any question of law preserved by the petitioner. Rule 23(f) advisory committee note.

The appeal is terminated.

By the Court:

Richard Cushing Donovan, Clerk.

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AND IN MY LEGAL CUSTODY.

10TH CIRCUIT COURT OF APPEALS
BOSTON, MA

By  Date: 11/16/07

By: MARGARET CARTER

Chief Deputy Clerk.

[certified copies: Honorable Patti B. Saris,
Sarah A. Thornton, Clerk US District Court of Massachusetts]

[cc: Kenneth A. Wexler, Esq., Thomas M. Sobol, Esq. Edward Notargiacomo, Esq., Timothy L. Miles, Esq., Gerald E. Martin, Esq., Barbara Mahoney, Esq., John A Macorettta, Esq., Jeffrey L. Kodroff, Esq., Jennifer F. Connolly, Esq., Edmund L. Carey, Esq., Steve W. Berman, Esq., George Barrett, Esq., Lori A. Schechter, Esq., John A. Kiernan, Esq., Nicole L. Johnson, Esq., George C. Harris, Esq., Melvin R. Goldman, Esq., Paul Flum, Esq., Tiffany Cheung, Esq., Nathan R. Soucy, Esq., Matthew J. Matule, Esq., John P. Kern, Esq., Thomas E. Fox, Esq., Steven E. Bizar, Esq., Shiela L. Birnbaum, Esq., James P. Bennett, Esq.]